

**TOWN OF FREDERICK, COLORADO**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,  
REINSTATING ORDINANCE 981, AS PREVIOUSLY ADOPTED ON  
DECEMBER 9, 2008.**

**WHEREAS**, on December 9, 2008 the Board of Trustees adopted Ordinance 981 which enacted specific provisions relating to defacing property, graffiti, graffiti tools, declared a nuisance and established abatement procedures; and

**WHEREAS**, on September 8, 2009, the Board of Trustees adopted Ordinance 1019 which revised penalty provisions related to graffiti convictions. The effect of Ordinance 1019 was to repeal the provisions of Ordinance 981, which was not the intent of the Board of Trustees; and

**WHEREAS**, it is the intent and desire of the Board of Trustees that the provisions of Ordinance 981 be in full force and effect, with the modification noted below related to penalty provisions.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** Ordinance 981, adopted on December 9, 2008, attached hereto and incorporated herein, is hereby reinstated as originally adopted.

**Section 2.** Chapter 10, Article X, Sections 10-76(k) of the Frederick Municipal Code is repealed and re-enacted to read as follows:

**Sec. 10-76. Defacing Property; Graffiti Unlawful; Graffiti Tools  
Unlawful; Nuisance Declared; Abatement.**

(k) This section is declared to be a non-criminal offense. Upon conviction, penalties set forth at §10-9, Frederick Municipal Code, may be imposed by the Frederick Municipal Court. Any person convicted of violating this Section shall be ordered by the Court to personally make repairs to any property damaged, or properties similarly damaged, if possible.

**Section 3. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 4. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof,

irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 5. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS  
\_\_\_\_ day of \_\_\_\_\_, 2009.

TOWN OF FREDERICK

By: \_\_\_\_\_  
Eric E. Doering, Mayor

ATTEST:

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk